

III. Rejections under 35 U.S.C. §102

Claims 1, 2 and 6-11 were rejected under 35 U.S.C. §102(e) as anticipated by McFall et al. (U.S. Patent No. 6,183,587, herein “McFall”). Applicants respectfully traverse the rejection.

Claim 1 is directed to an interlabial pad and amended to incorporate features of previously presented claim 18. Amended claim 1 recites:

wherein said first flat area and said first protruding area satisfy Formulas (1) to (3) shown below: $\dots 1/3 \leq W_1/W_2 \leq 5/6$ (2) [where] $\dots W_1$ is the apparent maximum width of the protruded first protruding area, W_2 is the apparent maximum width of the first flat area.

The Examiner contends that “the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.”¹ However, the formulas recited in claim 1 define the difference in dimension or proportion and, contrary to the contentions of the Examiner, those differences change the performance of the present invention in relation to the prior art.

One of ordinary skill in the art can appreciate that the changes in the relative widths of both the protruded area and the flat area can have a drastic difference in performance. The Specification, page 5, line 27 to page 6, line 10, outlines some performance elements if the dimensional elements are not met. Performance decreases from increased discomfort and/or leakage of menstrual blood can occur if the relative dimensions of at least formula (2) are not met.

¹ See, Office Action dated October 18, 2006, pages 4-5.

Regarding claim 6, the Examiner contends that, in McFall Fig. 2, base pad 24 corresponds to the flat area and absorbent core 74 corresponds to the back sheet of the present invention. Applicants respectfully submit that by this interpretation, body surface 20A does not correspond to the second flat area of the present invention. If 20A is interpreted as the second protruding area, McFall does not disclose the second flat area affixed to and overlapped by the first flat area of the absorbent body. If a second flat area is not disclosed by McFall, a second protruding area cannot continuously extend from the second flat area. To clarify this point, Applicants amended claim 6 and added a new claim 22 dependent on claim 6.

Thus, McFall does not disclose or suggest all of the elements of claims 1 and 6. Further, claims 2 and 7-11 depend from claims 1 or 6 and are allowable based at least on the arguments above. Applicants respectfully request that the rejection be withdrawn.

IV. Rejections under 35 U.S.C. §103

Claims 1-4 and 10-13 were rejected under 35 U.S.C. §103(a) as unpatentable over Johnson et al. (U.S. Patent No. 4,595,392, herein "Johnson") in view of the Examiner statement of ordinary skill in the art. Further, claims 14-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Johnson in view of Farris et al. (U.S. Patent No. 6,131,736, herein "Farris"). Applicants note that the rejection of claim 3 is moot because claim 3 was previously canceled as noted above. Applicants respectfully traverse the rejection of claims 1, 2, 4 and 10-13.

Claim 1 has been amended to recite that "the first protruding area of the absorbent body has a largest width at a portion closest to said first flat area of the absorbent body."

In contrast, Johnson, Fig. 2 and column 2, lines 36-41, discloses that the protruded area (i.e., the raised cylindroidal centrally disposed portion 3) slopes inward to be “folded along fold line 2 with the inwardly folded faces secured to each other by adhesive securement dots 4 or similar securement means.” The inward slope of the protruded area forms a narrowing of the protruded area and does not have a widest portion closest to the flat area. There are no teachings or suggestion to motivate one of ordinary skill in the art to modify the shape of the interlabial pad in Johnson to the shape as recited in amended claim 1.

Additionally, as discussed above, the formulas recited in claim 1 do define a change the performance of the present invention in relation to the prior art.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable over Johnson.

Claim 4 was previously amended to clarify subject matter recited. Claim 4 recites that the interlabial pad includes a water permeable inner sheet, that the inner sheet is provided on the garment side surface of the first absorbent body formed in a folded shape, and that the inner sheet and the surface side sheet are bonded so as to enclose the first absorbent body between the inner sheet and the surface side sheet. The inner sheet is shown, for example, in Fig. 4(c), referred as 58.

In contrast, Johnson does not teach or suggest the interlabial pad having an inner sheet. Figures 2 and 3 do not illustrate an inner sheet. Further, one of ordinary skill in the art is aware that the raised cylindroidal centrally disposed portion 3 could not be formed if an inner sheet was present. The inner sheet will exert a force to return the raised pad to a flat state and since the top sheet and the absorbent core are secured by adhesive securement dots 4 at the bottom of the

centrally disposed portion 3, secure adhesion would be prevented if an inner sheet were added. Thus, one of ordinary skill in the art would not be motivated to modify the invention of Johnson to add an inner sheet. Therefore, the present invention recited in amended claim 4 is further distinguishable over Johnson.

Thus, Johnson does not teach or suggest all the elements of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and claims 2, 4 and 10-13, dependent therefrom, based on Johnson.

Further, Farris does not teach or suggest any of the elements lacking from Johnson and present in the claims. Thus, claims 14-17, and 19 and new claims 20-22 are allowable at least for the reasons advanced for amended claim 1.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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